



UNITED STATES DEPARTMENT OF COMMERCE

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Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

FEB - 9 1998

Application Number: 08/581,050

Filing Date: December 27, 1995

Appellant(s): Takahisa Ueda

Felix D'Ambrosio

For Appellant

EXAMINER'S ANSWER

Art Unit: 3611

This is in response to appellant's brief on appeal filed November 18, 1997.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

The appellant's statement of the issues in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief was correct, however, in this examiner's answer, as set forth in the rejections below, the rejection based on the combination

Art Unit: 3611

of DeWitt and Schnitzler, has been withdrawn as being unnecessary. Consequently, Issue (2) is now moot.

(7) *Grouping of Claims*

Claim 2 is the only claim at issue in the Appeal.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|------------|--------------|---------|
| /5,134,030 | Ueda et al. | 7-1992 |
| /4,455,334 | Ogino et al. | 6-1984 |
| /4,559,862 | Case et al. | 12-1985 |
| /4,190,257 | Schnitzler | 2-1980 |

(10) *New Prior Art*

No new prior art has been applied in this examiner's answer.

(11) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

As discussed in the "Issues" section above, the rejection based on the combination of DeWitt and Schnitzler, has been withdrawn as being unnecessary.

Art Unit: 3611

Claim 2 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. '030 in view of Ogino et al.

In figures 7 and 8, Ueda discloses a packing substantially as claimed. Each braiding yarn includes fiber yarns 2 and graphite 1. While Ueda does disclose that the graphite and reinforcing fiber are "laminated" (which usually involves bonding), bonding is not explicitly mentioned.

Ogino et al., however, teaches the use of longitudinally disposed fibers which are laminated and bonded with expanded graphite sheets by adhesives. It would have been obvious, in view of Ogino et al., to bond the graphite to the fiber, for the purpose of reinforcing the graphite sheets.

Claim 2 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Case et al. in view of Schnitzler.

Case discloses a packing substantially as claimed. As shown in figure 1, each braiding yarn includes reinforcing fibers (18 and 19) which are held together by graphite 21. The graphite is bonded to the reinforcing fibers by a TFE binder. Case does not explicitly disclose that the graphite is expanded graphite. Schnitzler, however, teaches the well known use of expanded graphite as a packing material. It would have been obvious, as taught by Schnitzler, to use expanded graphite due to its preferred mechanical properties and commercial availability and since its use is extremely well known in the packing art.

Art Unit: 3611

(12) *New Ground of Rejection*

This examiner's answer does not contain any new ground of rejection.

(13) *Response to argument*

Regarding Ueda et al. '030, appellant states that the fiber of Ueda is not the same as the claimed fiber. Based on appellant's argument, however, it is unclear why appellant feels these fibers are different. Possibly, appellant erroneously interprets Ueda to disclose a single reinforcing fiber, rather than the claimed plurality of reinforcing fibers. However, a careful reading of Ueda, at column 4, lines 63-67 shows that Ueda, in fact, uses plural fibers. Ueda discloses that there are four layers of graphite and that a reinforcing fiber is laminated between the top two layers and between the bottom two layers. It is noted that only one fiber 2 is shown in figure 7, however, this appears to depict a fiber which extends beyond the graphite. The other fiber appears to be shown as a dotted line.

Appellant's arguments, regarding Ogino et al., are not understood. This reference has merely been applied for the teaching of bonding.

Regarding Case, appellant merely asserts that the fibers and strands of Case are not like the fibers and braiding yarns of claim 2. Appellant does not state what is allegedly different about these elements. Consequently, it cannot be determined why appellant feels that these elements differ. Clearly, Case discloses all structure as claimed except for the expanded graphite. The teaching of expanded graphite has been provided by Schnitzler.

Serial Number: 08/581,050

Page 6

Art Unit: 3611

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. DePumpro', written in a cursive style.

**DANIEL G. DePUMPRO
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dgd

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